

## **Zoning Ordinance Amendment – Historic District Working Draft dated 12.20.2019**

### **DIVISION 27. - HISTORIC OR DESIGN REVIEW OVERLAY DISTRICT**

#### **SUBDIVISION 1 - [PURPOSE AND DESIGNATION]**

##### **Sec. 3270 - Purpose.**

A Historic or Design Review Overlay District is provided in recognition that certain buildings or structures within the Town have important historic, architectural, archaeological or cultural interest. In addition, certain areas of Town have special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation. The historic overlay provides a vehicle for regulating building design, construction, reconstruction, alteration, restoration, and demolition in these areas.

The purpose of any such District is to provide for protection against destruction of or encroachment upon historic areas, buildings, monuments or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic, or architectural heritage of the Town of Blacksburg and the Commonwealth of Virginia.

This District is also intended to encourage compatible development in areas of the Town having historic or unique architectural value. Specifically, the district is intended to encourage new buildings which are compatible with the existing scale and character of the surrounding neighborhood, encourage the protection of existing neighborhoods and their physical characteristics, and encourage revitalization of the area.

The Historic or Design Review Board is intended to be used to implement architectural proffers for conditional or planned zoning districts, in addition to implementing the appropriate standards for any Historic or Design Review District. Any person who proffers architectural controls for a planned district should consider proffering the Historic or Design Review Board as the body which will implement those standards.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

**State Law reference—** Va. Code § 15.2-2306.

##### **Sec. 3271 - Historic or Design Review Board.**

- (a) The Historic or Design Review Board, or "Board," shall have a membership of at least seven (7) and at most nine (9) members who are residents of the Town. All members shall be appointed by the Town Council, and shall have a demonstrated interest, competence, or knowledge in historic preservation. The membership ~~shall~~ must include a member of the Planning Commission, a ~~registered~~ licensed architect or architectural historian, and should include, to the extent feasible, an owner of commercial property within the District and two (2) owners of property within the District who also reside within the District. At least two (2) of the members ~~should~~ must have professional training or equivalent experience in any of the following disciplines: architecture, history, architectural history, planning, building or development. The remaining members ~~shall~~ should be persons interested in the District or historic preservation, or additional residents and business owners in the District. The members shall serve staggered terms of four (4) years, and each member shall serve until his or her replacement is appointed. The Town Council may appoint members whose

property ownership, residence in the district or training or experience satisfies more than one (1) of the requirements of this section; ~~however, in no case shall there be less than three (3) property owners on the Board.~~

- (b) The Board shall review applications for development within an historic overlay district as directed by the ordinance establishing the district. The Board shall also hear appeals from decisions of the zoning administrator to deny a certificate of appropriateness.
- (c) Where the application of design criteria is mandatory, the Board shall issue or deny a certificate of appropriateness based upon the design criteria for the particular Historic or Design Review Overlay District in which the development is proposed to occur.
- (d) Any decision to deny a certificate of appropriateness shall be set forth in writing, stating the reasons therefore.
- (e) The Board may ask the Town Council to initiate a study of a proposed historic overlay district. The Board shall comment on studies and rezoning proposals as requested by the Planning Commission or Town Council.
- (f) The Board shall implement and enforce proffered conditions of conditional or planned zoning districts, if it is so designated in the ordinance creating the district.
- (g) The Board shall undertake such other tasks as the Town Council may direct.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

Sec. 3272 - Designation of a Historic or Design Review Overlay District; process; overview.

There shall be a two-step process for designating any area as an Historic or Design Review Overlay District. The first step in the process shall be a study of the proposed district. The second step of the process shall consist of a zoning amendment, which shall be initiated or not pursuant to the provisions of Article I, Division 5 of this chapter [Appendix].

(Ord. No. 1206, § 3, 5-11-99)

Sec. 3273 - Same—Initiation of study.

- (a) The study of an area for possible Historic or Design Review Overlay designation may originate in one (1) of the following ways:
  - (1) By petition signed by at least fifty-one (51) percent of the owners of real property within the proposed district;
  - (2) By motion of the Planning Commission;
  - (3) By request of the Board;
  - (4) By resolution of Town Council.
- (b) Only Town Council has the authority to order the study of any proposed historic or design review district.
- (c) A petition signed by fifty-one (51) percent of the owners of real property within the proposed district may be submitted to the zoning administrator, who shall refer it to the Planning Commission, which shall hold a public hearing and make a recommendation to Town Council. Town Council shall hold a public hearing on the petition, after which it may order the study as requested, deny the petition, or order a study with some modifications to the petition's request.

- (d) The Planning Commission may make a recommendation to initiate a study on its own motion after a public hearing. The Town Council shall act to initiate a study only after a public hearing.
- (e) Public hearings conducted by the Planning Commission and Town Council under this section shall be conducted after notice and publication as provided in Zoning Ordinance section 1153, and Virginia Code § 15.2-2204.
- (f) The area to be studied shall have logical boundaries based upon existing streets, alleys, blocks, and established neighborhoods. A single lot may be designated for study.
- (g) Any proposed Historic or Design Review Overlay District, for which a study meeting the requirements of section 3271 and section 3273 has been completed prior to the original effective date of this section, shall be exempt from compliance with this section.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

Sec. 3274 - Same—Study of proposed area.

A study of an area proposed for Historic or Design Review Overlay District designation shall address the following issues, among such other issues as may be identified by Town Council:

- (1) Does the study area contain one (1) or more buildings or structures, or other features with important historic, architectural, archaeological or cultural interest?
- (2) Does the study area have special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation?
- (3) What design criteria are related to the study area's significance or character?
- (4) What types of development should be subject to an administrative review or board review?
- (5) What types of development, if any, should be exempt from administrative or board review?
- (6) Should the application of the design criteria be advisory or binding?

In addressing questions numbers (4) and (5), above, the purpose of the study shall be to recommend review procedures which will be relatively simple with minimum delay for those actions which will have little if any permanent effect on the character of the district or on a significant structure, but to require a more thorough review for actions which may have a substantial effect on the character of the district or on a significant structure. When the study is completed, it shall be submitted to the zoning administrator, who shall refer the study to the Planning Commission for review.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

Sec. 3275 - Same—ReZoning Ordinance.

Any ordinance rezoning an area to a Historic or Design Review Overlay District shall contain the following provisions, among such others as Town Council may deem appropriate:

- (1) A finding that:
  - (a) The district includes buildings or structures or other features with important historic, architectural, archaeological or cultural interest, or

- (b) The district has special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.
- (2) Design review criteria which shall apply to development in the district. Design review criteria may be incorporated by reference to a separate document. The design criteria may include provisions for building materials; building orientation; building massing, volume, and scale; architecture; continuity of building facades; or other criteria necessary to preserve the features which qualify the district for historic or design review overlay designation.
- (3) The types of development which shall be subject to the design criteria, including a designation of an administrative or board review for different types of development.
- (4) The types of development, if any, which shall be exempt from the design criteria.
- (5) Whether the application of the design criteria is advisory or binding.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

Sec. 3276 - Effect of designation.

- (a) Upon the designation of any area as a Historic or Design Review Overlay District, no building or structure, including signs, shall be erected, constructed, reconstructed, altered, restored, relocated, or demolished within any such district unless reviewed and where required approved by the zoning administrator or Board or, on appeal, by the Town Council, unless the development is declared exempt from the design criteria in the ordinance designating the district.
- (b) Any designated Historic or Design Review Overlay District shall be an overlay to the existing underlying zoning districts as shown on the Official Zoning Map and, as such, the provisions for the overlay district shall serve as a supplement to the underlying zoning district provisions. In case of conflict between the provisions or requirements of this district and the underlying district, the provisions of this district shall apply.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

Sec. 3277 - Administrative review.

- (a) The zoning administrator shall review applications for development within a historic overlay district as provided by ordinance. Where the application of the design criteria is mandatory, the Board shall issue or deny a certificate of appropriateness based upon the design criteria for a District in which the development is proposed to occur. Any decision to deny a certificate of appropriateness shall be set forth in writing, stating the reasons therefore.
- (b) The applicant or any person aggrieved by a decision of the Board to grant or deny a certificate of appropriateness may appeal the decision to the Town Council. The appeal shall be initiated by submitting a written notice of appeal to the zoning administrator, setting forth the grounds of the appeal, within thirty (30) days of the Board's decision.

(Ord. No. 1206, § 3, 5-11-99; Ord. No. 1604, § 2, 3-8-11)

Sec. 3278 - Appeal to Town Council.

The applicant or any person aggrieved by a binding decision of the Historic or Design Review Board may appeal the decision to Town Council, by submitting a written notice of appeal

to the Zoning Administrator, setting forth the grounds for the appeal, within thirty days of the Historic or Design Review Board's decision. Town Council shall schedule a public hearing, and shall hear and decide the appeal within sixty days of receipt by the Zoning Administrator. Failure of the Town Council to decide the appeal within this time shall constitute denial of the appeal. The Town Council may uphold, reverse, or modify the Historic or Design Review Board's decision.

(Ord. No. 1206, § 3, 5-11-99)

#### Sec. 3279 - Appeal to circuit court.

The applicant or any person aggrieved by a final decision of the Town Council may appeal to the Circuit Court for Montgomery County by filing a petition at law, setting forth the alleged illegality of Town Council's action, within thirty days after the final decision is rendered by the Town Council. The filing of the petition shall stay the decision of the Town Council pending the outcome of the appeal to the court, except the filing of the petition shall not stay the decision of the Town Council if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the Town Council, in whole or in part, if it finds upon review that the decision is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the Town Council.

(Ord. No. 1206, § 3, 5-11-99)

#### Sec. 3280 - Definitions applicable in Historic or Design Review Overlay Districts.

For the purposes of administering Historic or Design Review Overlay Districts, certain terms are defined as follows:

"Alteration" means any change or rearrangement in the supporting members of an existing building, affecting the exterior of a building or structure, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the relocating of a building or a structure from one (1) location to another. This term includes any change of, including removal of, any architectural details, or any addition to a part or the entire exterior of any structure. Depending upon the extent or nature of an alteration, it may constitute "demolition" and be subject to the provisions of this Article governing demolition.

"Certificate of Appropriateness" means a permit issued by the Historic or Design Review Board granting an applicant approval for the alteration, change, demolition, relocation, excavation, or new construction of a contributing site, contributing structure, landmark, noncontributing structure, or noncontributing site in an historic district.

"Contributing structure or property" means any building, structure, or site which contributes to the overall historic and architectural significance of the district and architectural integrity with little or no diminishment in value reflecting the character of that time or is capable of yielding important information about the historically significant period. Qualities of the building, structure or site which contribute to the overall historic and architectural significance of the district include, but are not limited to, setback, massing, height, materials, architectural features and/or fenestration. As approved by the Town Council and on file in the Town Clerk's Office, all contributing structures within the district(s) are set forth in the document entitled "Blacksburg Historic District Contributing Structures List-" "dated March 10, 2020. Contributing structures include accessory structures whether individually identified in the List or identified as contributing secondary resources in the supporting survey information on file with the Town and with the Virginia Department of Historic Resources."

"Demolish" or "demolition" means the razing or destruction, whether entirely or in significant part, of a building, structure, site or object. Demolition includes the removal of a building,

structure, or object from its site or the removal or destruction of the façade or exterior surface, or exterior changes that destroy the historical significance of the building, structure or object.

"Development" means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or storage of equipment or materials. The term "development" includes construction, reconstruction, alteration, restoration, and demolition of a structure. It also includes the erection of a new sign.

"Reconstruction" means the act or process of reproducing by new construction the form and detail of a vanished site, structure, landmark, or a part thereof, as it once appeared.

"Restoration" means the act or process of returning a building, structure, site or landmark to its former condition and/or appearance, such as a house museum to the time period of a famous resident.

(Ord. No. 1604, § 2, 3-8-11)

#### SUBDIVISION 2 - [ESTABLISHMENT AND DESIGN CRITERIA]

##### Sec. 3281 - Establishment of Blacksburg Historic Overlay District.

- (a) The Blacksburg Historic Overlay District, or "District," originally established by Ordinance 1222 in 1999, is hereby re-enacted. The boundaries of the District are shown on the "Blacksburg Historic District Boundary & Contributing Structures Map" dated November 29, 2010, and subsequently amended October 13, 2015 and March 10, 2020, as approved by the Town Council.

The District was established for the purpose of promoting the general welfare, education, and recreational benefit of the public through the recognition of this area of the Town as having historic, architectural, and cultural significance. Regulations of the District are intended to protect, restore, and preserve the architectural integrity of existing structures, to create an atmosphere for compatible growth for the future and to ensure that new structures and uses will be in keeping with the character of the District.

- (b) In re-enacting the District, the Town Council expressly re-affirms its earlier findings that it includes buildings or structures or other features with important historic, architectural, archaeological or cultural interest, including but not limited to the original Town plat, established in 1798, known as the "Sixteen Squares," which is a defining feature of the Town; the Croy-Dawson House of 1839; "Five Chimneys," built in 1840; the Andy Camper House, circa 1850; the Price House, built in 1853; the Thomas-Conner House, built in 1878; and the additional historic contributing buildings identified on the "Blacksburg Historic District Boundary & Contributing Structures Map" and the document entitled "Blacksburg Historic District Contributing Structures List," as last amended on October 13, 2015 March 10, 2020 and approved by the Town Council.

(Ord. No. 1604, § 2, 3-8-11; [Ord. No. 1770, § 1, 10-13-15](#))

##### Sec. 3282 - Design criteria.

- (a) Town Council adopts the design criteria contained in the pamphlets entitled "Blacksburg Historic District Design Guidelines, Overview, Exterior Alterations, New Construction, and Relocation and Demolition" prepared by Landmark Preservation Associates and Dunay + Albright Architects, as amended, dated November 5, 1999, and "Blacksburg Historic District Sign Guidelines," prepared by Hill Studio dated June 2016 as guidelines for development within this District. No building or structure, including signs, shall be erected, reconstructed,

altered, or restored within this District until reviewed for conformance with these design criteria by the zoning administrator or the Board as appropriate. This review shall be an advisory review, except as set forth in the following paragraph.

- (b) Notwithstanding the advisory nature of the guidelines as applied to the foregoing types of development, no contributing structure within this District shall be razed, demolished, or relocated until the razing, demolition, or relocating thereof is approved by the Board, or, on appeal, by the Town Council after consultation with the Board. Furthermore, no new building or structure shall be constructed or erected on the site of a razed, demolished or relocated contributing structure until a redevelopment plan for the site is approved and a certificate of appropriateness issued by the Board, or on appeal by the Town Council.

(Ord. No. 1604, § 2, 3-8-11)

Sec. 3283 - Applicability of design guidelines.

All non-exempt types of development described below require completion of the historic review application and cannot proceed until approval is granted.

- (a) For ~~all~~ contributing and non-contributing structures in the District, the following types of development shall be exempt from the design guidelines:
  - (1) Repainting, except painting of masonry that has been unpainted;
  - (2) Interior alterations that have no visible effect upon the exterior of the structure;
  - (3) Minor repairs that maintain the integrity of existing walls, roofs, ~~windows~~, doors, fences, and other property features where no change in design or material is proposed;
  - (4) Planting grass, trees, and shrubs;
  - (5) Windows are not exempt and are addressed in subsection (b).
- (b) For ~~all~~ contributing and non-contributing structures in the District, the following types of development shall require an advisory administrative staff review for conformance to the design guidelines:
  - (1) Any construction or alterations not visible from a public ~~street~~ right-of-way;
  - (2) Construction or replacement of fences in rear or side yards; fences in the front yard are subject to subsection (d);
  - (3) Development of decks in rear yards; decks in the front or side yard are subject to subsection (d);
  - (4) Replacement of side or rear stairs, stoops or porches; stairs, stoops, or porches in the front yard are subject to subsection (d);
  - (5) Repair or replacement of windows where no change in design or material is proposed;
  - (6) Replacement of windows, doors and shutters where different material is proposed; however enlargement Changes in sizing or redesign of windows visible from the street is subject to subsection (d) requires Board review;
  - ~~(6)~~(7) Removal of trees or landscaping plants.
- (c) ~~For non-contributing structures within the District~~ For non-contributing structures in the District, the The following types of developments ~~for non-contributing structures within the District~~ shall require an advisory administrative staff review for conformance to the design guidelines:
  - (1) Demolition of ~~noncontributing~~ accessory structures;

- (2) ~~Exterior alterations of noncontributing structures, except.~~ Proposed proposed additions are subject to an advisory review by the Board subsection (d).
- (3) New signage or changes to existing signage. Signage changes for contributing structures are subject to subsection (d).
- (d) For contributing and non-contributing structures in the District, any Any other type of development, change, or alteration not covered by subsections (a), (b), or (c) above of any structure within the District shall require the advisory review of the Board. Examples include additions to non-contributing structures, replacement of siding or roofing for contributing structures and signage changes for contributing structures. Site elements that are not attached to the structure, including but not limited to, walls, utilities, telecommunication facilities, driveways, and parking areas shall require the advisory review of the Board.
- (e) ~~For non-contributing structures in the District, the The razing, demolition or relocation of a noncontributing structure within the District shall be subject to an advisory review by the Board.~~
- (f) For contributing structures in the District, the The razing, demolition or relocation of a contributing structure including accessory structures shall be subject to the mandatory review and approval of the Board. A mandatory review and approval of a plan shall be required by the Board for the redevelopment of a site that contains a contributing structure or previously contained a contributing structure that was razed, demolished or relocated.

(Ord. No. 1604, § 2, 3-8-11)

#### Sec. 3284 - Mandatory review by Historic or Design Review Board.

- (a) No contributing structure within this District shall be razed, demolished or relocated until the razing, demolition or relocating thereof is approved by the Board, or, on appeal, by the Town Council after consultation with the Board. If the razing, demolition or relocation of a contributing structure is (i) approved by the Board or the Town Council or (ii) permitted by Zoning Ordinance section 3286, no new building or structure shall be constructed or erected on the site of the razed, demolished or relocated contributing structure until a redevelopment plan for the site is approved by the Board, or, on appeal, by the Town Council. Once the redevelopment plan is approved, a certificate of appropriateness for the new construction shall be issued.
- (b) In determining the appropriateness of any application for the razing, demolition, or removal, the Board, or the Town Council on appeal, shall consider the criteria set forth in the "Relocation and Demolition" guidelines approved by Town Council. Where a development plan for a new use of the site is proposed and submitted, the Board shall review the proposed development pursuant to the regulations and intent of the district. The demolition application and redevelopment plan are not required to be submitted at the same time for review by the Board. Consideration shall be given to the benefits of the proposed redevelopment and the trade-offs for demolition of the building or structure.
- (c) Appeals of the decision of the Board regarding redevelopment plans shall be processed in the manner provided by Zoning Ordinance section 3285.

(Ord. No. 1604, § 2, 3-8-11)

#### Sec. 3285 - Appeals to Town Council.

- (a) The owner of a contributing structure who is denied approval to raze, demolish, develop or relocate by the Board may appeal the denial to Town Council as provided by Zoning



Ordinance section 3278. The applicant or any person aggrieved by a final decision of Town Council to grant or deny a permit to raze, demolish, develop or relocate an historic landmark, building or structure may appeal Town Council's decision to the Montgomery County Circuit Court in accordance with Zoning Ordinance section 3279.

- (b) An owner of property subject to the requirement of a redevelopment plan and certificate of appropriateness for construction or erection of a new building or structure on the property who is denied approval by the Board may appeal the denial to Town Council. The applicant or any person aggrieved by a final decision of Town Council to grant or deny a certificate of appropriateness may appeal Town Council's decision to the Montgomery County Circuit Court in the manner provided by Zoning Ordinance section 3279.

(Ord. No. 1604, § 2, 3-8-11)

Sec. 3286 - Demolition as matter of right.

- (a) In addition to the right of appeal to Town Council, the owner of a contributing structure shall, as a matter of right, be entitled to raze or demolish the contributing structure provided that:
  - (1) The owner has appealed the Board's decision to the Town Council;
  - (2) The owner has for the period of time set forth in the same schedule hereinafter contained and at a price no more than its fair market value, made a bona fide offer to sell the contributing structure, and the land pertaining thereto, to the Town or to any person, firm, corporation, government or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the contributing structure and the land pertaining thereto; and
  - (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such contributing structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule contained below in subsection (b).
- (b) As required by Virginia Code § 15.2-2306, the time schedule for offers to sell shall be as follows:
  - (1) Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000.00);
  - (2) Four (4) months when the offering price is twenty-five thousand dollars (\$25,000.00) or more but less than forty thousand dollars (\$40,000.00);
  - (3) Five (5) months when the offering price is forty thousand dollars (\$40,000.00) or more but less than fifty-five thousand dollars (\$55,000.00);
  - (4) Six (6) months when the offering price is \$55,000 or more but less than seventy-five thousand dollars (\$75,000.00);
  - (5) Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000.00) or more but less than ninety thousand dollars (\$90,000.00);
  - (6) Twelve (12) months when the offering price is ninety thousand dollars (\$90,000.00) or more.
- (c) When a property owner has met the requirements in preceding subsection (a) to demolish or raze a contributing structure as a matter of right, the zoning administrator shall, upon request by the property owner, certify this fact in writing.
- (d) Any appeal to the Montgomery County Circuit Court from the decision of the Town Council, whether instituted by the owner or by any other aggrieved party, shall not affect the right of the owner to make a bona fide offer to sell the property per the terms of this section.

- (e) The time schedule in preceding subsection (b) shall commence when the owner has filed (i) the required appeal to Town Council and (ii) a statement documenting the bona fide offer to sell the property. If the property is not for sale at the time of the final action of Town Council the applicant shall proceed in a timely manner to offer the property for sale. In no case shall the offer to sell the property be made more than one year after the final action of Town Council. Upon the expiration of the applicable time schedule contained in subsection (b), the owner, or subsequent owner, shall have the right to relocate, raze or demolish the structures on the property.
- (f) Before making a bona fide offer to sell, an owner shall first file a statement with the director of the Planning and Building Department identifying the property, stating the offering price, the basis for the offering price, the date the offer of sale is to begin and the name of the real estate agent, if any. No time period as set forth in the schedule above shall begin to run until such statement has been filed. Within fourteen (14) days of receipt of a statement, the director of the Planning and Building Department shall distribute copies to the Board and to Town Council and the town manager.
- (g) When relocating, razing or demolition is authorized by this section, the director of the Planning and Building Department shall inform the property owner in writing of the requirements for a redevelopment plan and a certificate of appropriateness for any new building or structure to be constructed on the site of the relocated, razed, demolished or relocated historic landmark, building or structure.
- (h) Any appraisals required by this section to determine the fair market value shall be obtained and paid for by the Town. However, the property owner may submit an independent appraisal.

(Ord. No. 1604, § 2, 3-8-11)

#### Sec. 3287 - Redevelopment plan criteria.

- (a) Within three (3) months prior to the submission of a redevelopment plan, the property owner or the owner's agent shall schedule a pre-application meeting with the director of Planning and Building. The property owner or the owner's agent shall attend the pre-application meeting, which shall consist of a discussion of the proposed redevelopment and the requirements of this ordinance. The chair of the Board may assign two (2) members of the Board to attend the pre-application meeting.
- (b) The following is the redevelopment plan submittal criteria for sites where a contributing structure has been razed, demolished, or relocated. The Board reserves the right to request applicants return with additional specifications and any other relevant materials reasonably necessary for its review. In consideration of a redevelopment plan, the following are required for submittal and in addition to any required site plans, architectural plans or building permits, the Board may require any or all of the following information and any other relevant materials as may be deemed necessary for its review at the pre-application meeting or at a formal review of the redevelopment plan at a Board meeting:
  - (1) Statement of proposed use-, site design concept showing structure(s) and supporting infrastructure, and conceptual building design(s)
  - (2) Description of how the proposed project meets the design elements outlined in the Blacksburg Historic District Design Guidelines, "New Construction," specifically:
    - (a) Building type and design considerations;
    - (b) Strengthening street and continuous landscape;
    - (c) Balancing pedestrian areas and parking; and
    - (d) Material and craftsmanship.

- (3) Proposed building materials, including their composition, texture, finish, quality, color, and appearance, which may include product brochures, specifications, and samples. Design and material details of doors and windows, ornamentation, including any product specifications;
- (4) Designs for exterior signage, lighting and graphics, to include description of materials, colors, placement and means of physical support, lettering style and size.
- ~~(5) The following supplemental information may be submitted, but is not required:~~
  - ~~(5)(a)~~ Statement of estimated construction time;
  - ~~(6)(b)~~ Description of how the proposed project is consistent with the Comprehensive Plan and the Zoning District in which it is located. meets the goals, objectives and action strategies outlined in the Town's Comprehensive Plan, Blacksburg 2046;
  - ~~(c) Design and material details of doors and windows, ornamentation, including any product specifications;~~
  - ~~(7)(d)~~ A written statement concerning construction methods to be employed and information on construction staging and sequencing.
- (c) Any material change to a binding redevelopment plan requires approval by the Board.
- ~~(e)(d)~~ No redevelopment plan shall be deemed complete until the zoning administrator has determined that the use of the proposed building or structure is permitted under the current zoning for such property or the property owner indicates with the historic review application intent to apply and request an appropriate zoning designation.
- ~~(d)(e)~~ A certificate of appropriateness shall become null and void if no significant improvement or alteration is made in accordance with the approved redevelopment plan within two (2) years from the date of approval. On written request from an applicant, the Board may grant a single extension for a period of up to two (2) years, if, based upon submissions from the applicant, the Board finds that conditions on the site and in the area of the proposed project are essentially the same as when approval originally was granted.
- ~~(e)(f)~~ Prior to the issuance of a certificate of occupancy permit by the building official, the applicant shall obtain a certificate of compliance from the zoning administrator indicating the compliance of the final building or structure with the terms and conditions of the approved redevelopment plan. The zoning administrator shall base the certificate of compliance on the certificate of appropriateness from the Board. The zoning administrator shall notify the chair of the Board when any certificate of compliance has been requested and provide the Board with copies of all correspondence related to the approval or denial of a certificate of compliance. The zoning administrator shall issue all certificates of compliance, whether the Board approved the redevelopment plan or whether the governing body approved it upon appeal. An applicant may appeal the denial of a certificate of compliance to the Board. The owner may appeal the decision of the Board on the certificate of compliance to Town Council in the manner provided by Zoning Ordinance section 3285.

(Ord. No. 1604, § 2, 3-8-11)

#### Sec. 3288 - Right to repair or rebuild.

If any contributing structure in the District is damaged or destroyed by a natural disaster, act of God or accidental fire, the property owner may repair or rebuild the contributing structure to restore it to its structural configuration immediately preceding the damage or destruction without the requirement of a redevelopment plan as described in the preceding paragraph. Prior to any building permit being issued for such repairs or rebuilding, the Board shall review the proposed

measures for repair or rebuilding to confirm that the measures will restore the contributing structure to its structural configuration immediately preceding the damage or destruction. In all other cases a redevelopment plan shall be required.

(Ord. No. 1604, § 2, 3-8-11)

#### Sec. 3289 – Vehicular parking regulations in the Historic or Design Review Overlay District

Parking can have a significant impact on the character of an historic district. Much of Blacksburg's historic district was constructed before the dominance of the automobile. The development pattern reflects this with buildings set closer to the street, the majority of off-street parking existing to the side and rear of the buildings typically accessed by an alley or narrow driveway, and limited on-street parking. The following criteria exist to ensure parking expansions or installation of new parking areas do not negatively affect the fabric and character of the Historic District.

All parking related uses, including but not limited to driveways, parking areas, structured parking, parking facilities, on- and off-site parking, within the District shall be required to adhere to the following standards and constructed only upon the issuance of a zoning permit and other permits as may be required:

- (1) For parking serving non-residential uses, any new surface parking lots, structured parking, or addition of parking spaces, whether classified as a parking facility, off-site parking, or on-site parking, requires a conditional use permit pursuant to the criteria in Section 3290.
- (2) For parking serving residential uses, the addition of off-site parking spaces require a conditional use permit pursuant to the criteria in Section 3290.
- (3) For parking serving residential uses, the addition of on-site parking spaces must meet the following standards:
  - (a) Driveways shall be limited to a single lane (maximum 12' in width) where visible from the street and shall only widen behind the primary structure or when screened with landscaping or other approved materials.
  - (b) Parking shall be located fully behind the primary structure.
  - (c) For corner lots, parking areas shall be located behind the primary structure and set back as far as possible from the side street, but no less than 10 feet in commercial zoning districts and no less than 20 feet in residential zoning districts.
- (4) Any parking that cannot meet the above standards requires a conditional use permit pursuant to the criteria in Section 3290.

#### Sec. 3290 – Criteria for Conditional Use permit for parking related uses

Parking may be requested through the Conditional Use permit process within the Historic or Design Review Overlay District as referenced above. Evaluation criteria to determine the appropriateness of the parking related use requested include, but are not limited to, the following:

- (1) Location and visibility of proposed parking
- (2) Proposed driveway width
- (3) Size of proposed parking area
- (4) Impact on the relationship of the building to the street
- (5) Landscaping, buffering, and screening to mitigate visual impacts
- (6) Unusual shape or topography of a lot
- (7) Location of existing structures
- (8) Preservation of mature trees
- (9) Consistency with existing development pattern in the Historic District
- (10) Impact on adjacent properties
- (11) Consideration of parking in keeping with the Historic District and the Guidelines
  - (a) Proposed materials such as brick, concrete, or other textured surfaces
  - (b) Two parallel narrow strips of concrete or other material with grass in between, known as a ribbon driveway
  - (c) Use of permeable parking surfaces

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## **Other Sections of the Zoning Ordinance to be revised**

Sec. 4543 – Parking facility.

(d) Additional standards in the Historic or Design Review Overlay District: Parking facilities shall only be permitted by conditional use permit.

Sec. 2103 - Definitions of terms and use types.

~~HISTORIC ARCHITECTURE REVIEW BOARD~~ **HISTORIC OR DESIGN REVIEW BOARD**—  
A board appointed by Town Council to effectuate the provisions of this article for the protection and preservation of historic or archaeological sites or structures in the Town.

## **District Standards**

### **R-5 District**

Sec. 3052 - Site development regulations.

(h) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

### **OTR District**

Sec. 3062 - Site development regulations.

(h) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

### **RM-27 District**

Sec. 3082 - Site Development Regulations.

(h) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

### **DC District**

Sec. 3142 - Site development standards.

(k) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.

### **O District**

Sec. 3182 - Site development standards.

(k) Additional standards apply in the Historic or Design Review Overlay District for parking related uses. See Section 3289.